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TAGS: [PREL](#) [KUNR](#) [UNSC](#) [UNGA](#)
SUBJECT: UNSC WORKING METHODS: "SWISS-FIVE" PROPOSAL STILL
ALIVE

REF: 2005 USUN 2433

Classified By: Ambassador Jackie Sanders for reasons 1.4 b,d.

¶1. (C) Summary. Switzerland has begun the process of re-circulating a revised draft of its proposed General Assembly resolution on Security Council working methods, which was originally shared with member states last fall (reftel). The Swiss have told the French that they and their four co-drafters will share the text widely by the end of March and seek action in the General Assembly before September. We remain fundamentally opposed to the concept of a GA resolution on this issue, as an attempt to alter the relationship between principal bodies of the UN contrary to the language of the Charter. The new text is only slightly changed from the previous version, and not in a good way. End Summary.

S5 text to be circulated in March?

¶2. (C) The French have shared with the P5 the latest version of the proposed "Swiss-Five" General Assembly resolution on Security Council working methods. (USUN has emailed the text to IO/UNP.) According to the French, the Swiss passed the text in Paris and noted interest in circulating it among UN member states before the end of March, once negotiations on the Human Rights Council have been completed. The timing is also tied to the beginning of the latest session of the Open Ended Working Group (OEWG) on UNSC Reform (expected in March). Supporters of the draft do not want discussion of Council working methods limited to the OEWG, which operates on the basis of consensus. It is not clear if the Swiss intend to formally table the draft resolution at this time, but they indicated to the French that they and the co-authors (Costa Rica, Singapore, Liechtenstein, and Jordan) would seek GA action before the end of the 60th Session (in September).

¶3. (C) Our position has not changed. We believe the draft resolution reflects an inappropriate view of the relationship between two principal bodies of the United Nations. Per Article 30 of the UN Charter, the Security Council "shall adopt its own rules of procedure." Among the P5, the Russians share our views, and have been unwilling to negotiate the substance of the draft recommendations with the authors. The French and UK are less categorical and have indicated a willingness to engage in a discussion on the specific recommendations. The French told us they do not yet have an official position, but have a particular problem with the draft's language related to the use of the veto and the call for the Council to "report" on its implementation of the

recommendations to the GA. The Chinese position remains ambiguous.

Changes only make a bad text worse

14. (C) We maintain that any discussion of the specific recommendations in the text will only serve to legitimize an effort that has no basis in the Charter. The new text reflects minor changes to the version circulated to member states in November. The changes only make a bad text worse. The new draft:

-- Includes a new preambular paragraph 3 that selectively references Article 10 of the Charter to imply unlimited ability for the GA to examine issues and make recommendations to the Security Council. The proposed text conveniently drops Article 10's reference to the explicit limitations on the GA's authority as spelled out by Article 12.

-- In preambular paragraph 7, adds the concept of enhancing the Council's "legitimacy" through working methods reform. This concept is also emphasized through the reworking of the first operative paragraph.

-- Reworks preambular paragraph 9 to make the call for expansion of the Council more explicit. (This was edited to respond to concerns that the S-5 effort would dilute support for the expansion effort).

In the annex:

-- New language in paragraph 5 calls on the Security Council to make its tentative program of work available to member states as soon as it is available to the Council.

-- Paragraph 6 now explicitly calls on the Security Council to "seek the views" of member states when Council decisions are going to require implementation by member states.

-- Language relating to use of the veto is reworked to recommend that a Council member exercising its veto right should "explain the reason for doing so" at the time of the vote and circulate the explanation to all member states as an official document of the Council.

-- New paragraph 17 calls on the Council to "enhance its cooperation and consultations" with regional organizations.

Comment

15. (C) The Swiss-Five proposal serves as a backdrop to the Council's own discussion of documentation and procedures, now "re-energized" under the leadership of Japanese PR Oshima. The Russians and we maintain a sharp distinction between the two issues that is not shared by the other members of the Council, who often cite the Outcome Document's recommendation that the Council adapt its working methods to increase the involvement of non-member States, "enhance its accountability" to the membership, and increase the transparency of its work.

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